

AMENDMENT TO THE COMMITTEE PRINT
OFFERED BY MR. DINGELL OF MICHIGAN

Rights of way enforcement and revenues

In section 630(a)(3) of the Communications Act of 1934, as added by section 101 of the bill, strike “and” at the end of subparagraph (C), strike the period at the end of subparagraph (D) and insert “; and”, and after subparagraph (D) insert the following new subparagraph:

1 “(E) a certification that the cable operator
2 in the delivery of cable service will comply with
3 all applicable municipal requirements regarding
4 the use and occupation of public rights-of-way
5 and easements which have been dedicated for
6 compatible uses.

In section 630(f) of such Act (as so added), after paragraph (2) insert the following new paragraph:

7 “(3) RIGHTS-OF-WAY DISPUTE RESOLUTION.—
8 Nothing in this Act shall be construed to restrict in
9 any way the authority of a municipality to enforce,
10 or to give the Commission any authority over dis-
11 putes arising out of or resulting from, municipal re-
12 quirements regarding the use and occupation of pub-



1 lic rights-of-way and easements which have been
2 dedicated for compatible uses in the delivery of cable
3 service.

 In section 630(o)(1) of such Act (as so added), insert before the period at the end the following: “, including revenue from features, functions, and capabilities directly related to video programming”.

 In section 630 of such Act (as so added), add at the end the following new subsection:

4 “(p) FEE DISPUTE RESOLUTION.—

5 “(1) NOTICE.—If a franchising authority or
6 cable operator has a dispute arising out of or relating to the amount of any fee required under subsection (c)(1) or (e)(2), the franchising authority or
7 the cable operator (as the case may be) shall give
8 the other written notice of such dispute.
9 the other written notice of such dispute.
10 the other written notice of such dispute.

11 “(2) MEETINGS.—Representatives of the franchising authority and the cable operator, with authority to resolve the dispute, shall meet within 30
12 calendar days after receipt of such notice to attempt
13 to resolve the dispute.
14 to resolve the dispute.
15 to resolve the dispute.

16 “(3) COMMISSION RESOLUTION.—If the dispute
17 has not been resolved by the representatives within
18 90 calendar days after receipt of such notice, a complaint may be filed at the Commission. Such com-
19 plaint may be filed at the Commission. Such com-



1 plaint shall be filed within four years of the period
2 to which the disputed amount relates, unless such
3 time is extended by written agreement between the
4 cable operator and the franchising authority. Such
5 complaint shall be resolved at the Commission pur-
6 suant to section 409.”.

 In section 101(b) of the bill, after “Commission
shall” insert “, in consultation with franchising authori-
ties,”.

